

\* \* \* \* \*

72. Section 90.737 is amended by revising the third sentence of paragraph (b) and paragraphs (c) through (e) of this section to read as follows:

**Sec. 90.737 Supplemental reports required of Phase I licenses.**

\* \* \* \* \*

(b) \* \* \* Using FCC Form 601, such licensees must report at the time of license renewal the number of mobile units being served.

(c) Using FCC Form 601, non-commercial trunked system licensees must report at the time of license renewal the number of mobile units being served.

(d) Except for licensees of nationwide systems, all licensees must report, using FCC Form 601, whether construction of the facility has been completed within eight months of the date of initial grant of their respective licenses.

(e) All reports must be filed in accordance with Sec. 1.913 of this chapter.

73. Section 90.751 is revised to read as follows:

**Sec. 90.751 Minor modifications of Phase I, non-nationwide licenses.**

Phase I non-nationwide licensees will be given an opportunity to seek modification of their license to relocate their initially authorized base station, i.e., locate their base station at a site other than its initially authorized location. The conditions under which modifications will be granted and the procedures for applying for license modifications are described in Sections 90.753, 90.757 and 1.927 of this chapter. For CMRS licensees, these modifications will be treated as minor modifications in accordance with Section 1.927 of this chapter.

74. Section 90.753 is amended by revising paragraphs (d) and (e) of this section to read as follows:

**Sec. 90.753 Conditions of license modification.**

\* \* \* \* \*

(d) The application for a Phase I non-nationwide licensee proposing a base station modification resulting in less than 120 km separation from a co-channel licensee's initially authorized base station will be accepted by the Commission only with the consent of that co-channel licensee, as evidenced in a statement submitted concurrently with the licensee's application submission on FCC Form 601.

(e) The application of a Phase I non-nationwide licensee proposing a base station modification resulting in at least a 120 km separation from each co-channel licensee's initially authorized base station but more than one-half the distance over 120 km toward any co-channel licensee's initially authorized base station will be accepted by the Commission only with the consent of that co-channel licensee, as evidenced in a statement submitted concurrently with the licensee's submission on FCC Form 601.

75. Section 90.755 is removed.

**Sec. 90.755 [Removed]**

76. Section 90.763 is amended by revising paragraphs (b)(1)(i) and (b)(4) of this section to read as follows:

**Sec. 90.763 EA, Regional and Nationwide system operations.**

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \*

(i) The EA or Regional licensee must locate its land mobile or paging base stations, or fixed stations transmitting on base station transmit frequencies, at least 120 km from the land mobile or paging base stations, or fixed stations transmitting on base station transmit frequencies, of co-channel Phase I licensees, except that separations of less than 120 km shall be considered on a case-by-case basis upon submission by the EA or Regional licensee, using FCC Form 601, of:

\* \* \* \* \*

(4) The licensee notifies the Commission within 30 days of the completion of the addition, removal, relocation or modification of any of its facilities within its authorized area of operation. Such notification must be made by submitting an FCC Form 601, and must include the appropriate filing fee, if any.

\* \* \* \* \*

77. Section 90.767 is amended by revising paragraphs (b) and (c) of this section to read as follows:

**Sec. 90.767 Construction and implementation of EA and Regional licenses.**

\* \* \* \* \*

(b) EA and Regional licensees offering fixed services as part of their system, and EA and

Regional licensees that have one or more incumbent, co-channel Phase I licensees authorized within their EA or REAG may meet the construction requirements of paragraph (a) of this section by demonstrating an appropriate level of substantial service, using FCC Form 601, at their five- and ten-year benchmarks.

(c) Licensees must submit maps or other supporting documents, using FCC Form 601, to demonstrate compliance with the construction requirements of paragraphs (a) and (b) of this section.

\* \* \* \* \*

78. Section 90.1013 is revised to read as follows:

**Sec. 90.1013 Long-form application (FCC Form 601).**

Each successful bidder for a 220 MHz geographic area license must submit a long-form application (FCC Form 601) in accordance with Part 1, subpart F of this chapter within ten (10) business days after being notified by Public Notice that it is the winning bidder. Regardless of the number of markets won, winning bidders will only be required to file a single application. Applications for 220 MHz geographic area licenses on FCC Form 601 must be submitted in accordance with Sec. 1.2107 of this chapter, all applicable procedures set forth in the rules in this part, and any applicable Public Notices that the Commission may issue in connection with an auction. After an auction, the Commission will not accept long-form applications for 220 MHz geographic area licenses from anyone other than the auction winners and parties seeking partitioned licenses pursuant to agreements with auction winners under Sec. 90.1019.

79. Section 90.1019 is amended by revising paragraphs (b) and (c) to read as follows:

**Sec. 90.1019 Eligibility for partitioned licenses.**

\* \* \* \* \*

(b) Each party to an agreement to partition the license must file a long-form application (FCC Form 601) for its respective, mutually agreed-upon geographic license area together with the application for the remainder of the geographic license area filed by the auction winner.

(c) If the partitioned license is being applied for as a partial assignment of the geographic area license following grant of the initial license, request for authorization for partial assignment of a license shall be made pursuant to Sec. 1.948 of this chapter.

80. Section 90.1023 is amended by revising paragraph (b) to read as follows:

**Sec. 90.1023 Certifications, disclosures, records maintenance and audits.**

\* \* \* \* \*

(b) *Long-Form Applications: Certifications and Disclosure.* In addition to the requirements in Sec. 90.1013, each applicant submitting a long-form application (FCC Form 601) for a 220 MHz service geographic area license and qualifying as a small business or very small business shall, in an exhibit to its long-form application:

\* \* \* \* \*

**APPENDIX L  
PROPOSED RULES - PART 95**

| <b>CURRENT<br/>RULE<br/>NUMBER</b> | <b>SUBJECT<br/>(proposed change)</b>   | <b>PROPOSED NEW OR<br/>REVISED RULE<br/>NUMBER</b> |
|------------------------------------|--|--|
| 95.5                               | License eligibility (remove cross-references to deleted sections).   | 95.5   |
| 95.7(b)                            | Channel sharing (remove cross-reference to deleted section).   | 95.7(b)  |
| 95.21                              | GMRS system description (change to revise the possible elements of a GMRS system; remove rules regarding operating modes).                     | 95.21  |
| 95.23                              | Mobile station description (remove cross-references to deleted sections and territorial limitation provisions).                                | 95.23  |
| 95.25                              | Land station description (conform to Part 1 Rule).   | 95.25  |
| 95.29                              | Channels available (increase channels available).  | 95.29  |
| 95.31                              | Overlap of GMRS systems.   | No new rule  |
| 95.35                              | Multiple licensing of radio transmitting equipment in the GMRS.  | No new rule  |
| 95.37                              | Considerations near the Canadian border (move to consolidated Part 1 Rule).  | 1.923  |
| 95.39                              | Considerations near FCC monitoring facilities (remove advisory language).  | 95.39  |
| 95.41(b),(c)                       | Considerations in the National Radio Quiet Zone (remove cross-reference to deleted section; incorporate related section (Sec. 95.79); revise). | 95.41(b),(c)                                       |
| 95.45                              | Considerations on Department of Defense land (clarify).  | 95.45  |
| 95.47                              | Considerations in large urban areas.   | No new rule  |
| 95.49                              | Considerations near large urban areas.   | No new rule  |
| 95.51 (a)                          | Antenna height (remove cross-reference to deleted section; incorporate related section (Sec. 95.83)).  | 95.51 (a),(g),(h)                                  |
| 95.53                              | Mobile station communication points.   | No new rule  |
| 95.55                              | Base station communication points.   | No new rule  |

|                                    |   |   |
|------------------------------------|---|---|
| 95.57                              | Mobile relay station communication points.  | No new rule                                     |
| 95.59                              | Control station communication points.   | No new rule                                     |
| 95.61                              | Fixed station communication points.   | No new rule                                     |
| 95.71(a), (b), (c), (d), (e) & (f) | Applying for a new or modified license (move to consolidated Part 1 Rule).  | 1.913, 1.915, 1.923, 1.927, 1.931, 1.934, 1.949 |
| 95.72                              | Applying for STA or waiver of rules (move to consolidated Part 1 Rule).   | 1.925, 1.931                                    |
| 95.73 (a), (b), (c), (d) & (e)     | System licensing (move to consolidated Part 1 Rule).  | 1.923, 1.927, 1.931                             |
| 95.75                              | Basic information (move to consolidated Part 1 Rule).   | 1.923   |
| 95.77                              | Additional information for GMRS systems with land stations at four or more locations.   | No new rule                                     |
| 95.79                              | Additional information for stations in the National Radio Quiet Zone (incorporated into related section (Sec. 95.41)).                              | No new rule                                     |
| 95.83                              | Additional information for stations with antennas higher than normally allowed (incorporated into related section (Sec. 95.51)).                    | No new rule                                     |
| 95.85                              | Additional information for stations near United States borders (change form number to reflect ULS forms; incorporate related section (Sec. 95.37)). | 95.85   |
| 95.87                              | Who may sign applications (move to consolidated Part 1 Rule).   | 1.917   |
| 95.89                              | Renewing a license (move to consolidated Part 1 Rule).  | 1.949   |
| 95.101                             | What the license authorizes (revise).   | 95.101  |
| 95.103                             | Licensee duties (revise).   | 95.103  |
| 95.105                             | License term (revise to reflect ULS implementation)   | 95.105  |
| 95.107                             | Keeping the license.  | No new rule                                     |
| 95.109                             | License not transferable (revise cross-references).   | 95.109  |
| 95.111                             | Transfer of control of a corporation (move to consolidated Part 1 Rule).  | 1.948   |
| 95.113                             | System records.   | No new rule                                     |

|        |  |             |
|--------|--|-------------|
| 95.115 | Station inspection (remove cross-reference to deleted section).  | 95.115      |
| 95.117 | Where to contact FCC (revise to include FCC National Call Center).   | 95.117      |
| 95.119 | Station identification (clarified).  | 95.119      |
| 95.121 | Transmitting channel.  | No new rule |
| 95.123 | Sharing a station or sharing equipment.  | No new rule |
| 95.125 | Station control point.   | No new rule |
| 95.127 | Controlling a station from a remote point.   | No new rule |
| 95.129 | Station equipment (revise; remove cross-reference to deleted section).   | 95.129      |
| 95.131 | Servicing station transmitters.  | No new rule |
| 95.133 | Modification to station transmitters.  | No new rule |
| 95.135 | Maximum authorized transmitting power (conform output power).  | 95.135      |
| 95.137 | Moving a small base station or a small control station.  | No new rule |
| 95.139 | Adding a small base station or a small control station (Conform to Part 1 Rule).   | 95.139      |
| 95.171 | Station operator duties (rename section; remove cross-reference to deleted section; incorporate related sections (Secs. 95.173 and 95.175)). | 95.171      |
| 95.173 | Station operator duties (incorporated into Sec. 95.171).   | No new rule |
| 95.175 | Cooperation in sharing channels (incorporated into Sec. 95.171).   | No new rule |
| 95.177 | Responsibility for station operator's communications (incorporated into Sec. 95.103).  | No new rule |
| 95.179 | Individuals who may be station operators (revise).   | 95.179      |
| 95.181 | Permissible communications (revise; (i) and (j) incorporated into Sec. 95.183).  | 95.181      |
| 95.183 | Prohibited communications (new section; incorporates (i) and (j) from Sec. 95.181).  | NEW         |

|                   |  |   |
|-------------------|--|---|
| APPENDIX A        | APPENDIX A TO SUBPART A (replace former appendix with new language establishing the Commission's regulatory boundaries over GMRS).                           | APPENDIX A                                      |
| 95.217(b)         | (R/C Rule 17) May I operate my R/C station transmitter by remote control? (change to allow electronic filing of information via Universal Licensing System). | 95.217(b)                                       |
| 95.219            | (R/C Rule 19) How do I answer correspondence from the FCC? (change to allow electronic filing of information via Universal Licensing System).                | 95.219  |
| 95.225            | (R/C Rule 25) How do I contact the FCC? (change to reflect FCC website).   | 95.225  |
| 95.419(b)         | (CB Rule 19) May I operate my CB station transmitter by remote control? (change to allow electronic filing of information via Universal Licensing System).   | 95.419(b)                                       |
| 95.422            | (CB Rule 22) How do I answer correspondence from the FCC (change to allow electronic filing of information via Universal Licensing System).                  | 95.422  |
| 95.428            | (CB Rule 28) How do I contact the FCC? (change to reflect FCC website).  | 95.428  |
| 95.605            | Type acceptance and certification procedures (change to reflect Universal Licensing System).   | 95.605  |
| 95.801            | Scope (change to reflect new Part 1, Subpart F).   | 95.801  |
| 95.815            | License application (move to consolidated Part 1 Rule).  | 1.913, 1.915, 1.923, 1.927, 1.931, 1.934, 1.949 |
| 95.816 (c)(2)(ii) | Competitive bidding proceedings (change form numbers to reflect ULS forms).  | 95.816 (c)(2)(ii)                               |
| 95.817            | Application for renewal of license (move to consolidated Part 1 Rule).   | 1.949   |
| 95.819(c)         | License transferability (change cross-reference).  | 95.819(c)                                       |
| 95.821            | Application for transfer of control (move to consolidated Part 1 Rule).  | 1.948   |
| 95.833(b)         | Construction requirements (change to allow electronic filing of information via Universal Licensing System; add notification section).                       | 95.833(b),(c)                                   |



## **PART 95-PERSONAL RADIO SERVICES**

81. The authority citation for part 95 continues to read as follows:

**AUTHORITY:** Secs. 4, and 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154 and 303.

82. Section 95.5 is amended by revising this section to read as follows:

### **Sec. 95.5 License eligibility.**

An *individual* (one man or one woman) is eligible to obtain, renew and have modified a GMRS system license if that individual is 18 years of age or older and is not a representative of a foreign government. A *non-individual* (an entity other than an individual) is ineligible to obtain a new GMRS system license or to make a major modification to an existing GMRS system license. Certain non-individuals are eligible to renew existing GMRS system licenses.

83. Section 95.7 is amended by revising the last sentence of paragraph (b) to read as follows:

### **Sec. 95.7 Channel sharing.**

(b) \*\*\* Further, the use of any frequency at a given geographical location may be denied when, in the judgment of the FCC, its use in that location is not in the public interest; the use of any channel or channel pair may be restricted as to specified geographical areas, maximum power, or other operating conditions.

84. Section 95.21 is amended by revising this section to read as follows:

### **Sec. 95.21 GMRS system description.**

A *GMRS system* is one or more transmitting units used by station operators to communicate messages. A GMRS system is comprised of:

- (a) One or more station operators;
- (b) One mobile station consisting of one or more mobile units (see Sec. 95.23);
- (c) One or more land stations (optional);
- (d) Paging receivers (optional); and
- (e) Fixed stations (optional).

85. Section 95.23 is amended by revising paragraph (b) and removing paragraph (d) to read as follows:

**Sec. 95.23 Mobile station description.**

\*\*\*\*\*

(b) A mobile station unit may transmit from any point within or over any areas where radio services are regulated by the FCC *except* where additional considerations apply.

(c) \*\*\*

(1) \*\*\*

(2) \*\*\*

86. Section 95.25 is amended by revising paragraphs (a), (d)(2)(i), and (f) and removing and reserving paragraph (c) to read as follows:

**Sec. 95.25 Land station description.**

(a) A *land station* is a unit which transmits from an address shown on the station license.

(b) \*\*\*

(c) [Removed and Reserved]

(d) \*\*\*

(1) \*\*\*

(2) \*\*\*

(i) South of Line A or west of Line C; or

(ii) \*\*\*

\*\*\*\*\*

(f) Each base station and each control station with an antenna height greater than 6.1 meters (20 feet) must be separately identified on Form 605. (See Secs. 95.25 (d) and (e) and 95.51(f)).

87. Section 95.29 is amended by revising paragraphs (a) and (b) and removing and reserving paragraphs (c) and (d) to read as follows:

**Sec. 95.29 Channels available.**

(a) For a base station, mobile relay station, fixed station or mobile station, the licensee of the GMRS system must select the transmitting channel or channel pair for the stations in the GMRS system

from the following 462 MHz channels:

462.500, 462.5750, 462.6000, 462.6250, 462.6500, 462.6750, 462.7000 and 462.7250.

(b) For a mobile station, control station, or fixed station, the licensee of the GMRS system must select the transmitting channel or channel pair for the stations operated in the duplex mode, from the following 467 MHz channels:

467.5500, 467.5750, 467.6000, 467.6250, 467.6500, 467.6750, 467.7000, and 467.7250.

(c) [Removed and reserved]

(d) [Removed and reserved]

\*\*\*\*\*

88. Section 95.31 is removed.

**Sec. 95.31 [Removed]**

89. Section 95.35 is removed.

**Sec. 95.35 [Removed]**

90.- Section 95.37 is removed.

**Sec. 95.37 [Removed]**

91. Section 95.39 is amended by removing the second sentence to read as follows:

**Sec. 95.39 Considerations near FCC monitoring facilities.**

The FCC may impose additional restrictions on a land station in a GMRS system if it is at a point within 4.8 kilometers (3 miles) of an FCC monitoring facility and the station's transmissions degrade, obstruct, or repeatedly interrupt the operation of the equipment at the FCC monitoring facility.

92. Section 95.41 is amended by revising paragraphs (b) and (c) to read as follows:

**Sec. 95.41 Considerations in the National Radio Quiet Zone.**

(a) \*\*\*

(b) When applying for a license to operate a land station at a point in the National Radio Quiet

Zone, or when applying to change certain details in a station already licensed for such a point, the applicant must send a notice to the National Radio Astronomy Observatory.

- (1) The notice should be sent to:

*Director, National Radio Astronomy Observatory  
P.O. Box 2  
Green Bank, WV 24944*

- (2) Provide the following details about the proposed station in the notice:

Antenna point (latitude and longitude);  
Antenna height;  
Antenna directivity;  
Transmitting channel(s);  
Emission; and  
Transmitter output.

- (3) Include in the application to the FCC the date the notice was sent to the Observatory.

(c) Restrictions may be imposed if the National Radio Astronomy Observatory files an objection with the FCC within 20 days after the notification is received by the National Radio Astronomy Observatory.

93. Section 95.45 is amended by revising this section to read as follows:

**Sec. 95.45<sup>-</sup> Considerations on Department of Defense land.**

The Department of Defense may impose additional restrictions on a station transmitting on its land. (Before placing a station at such a point, a licensee should consult with the commanding officer in charge of the land.)

94. Section 95.47 is removed.

**Sec. 95.47 [Removed]**

95. Section 95.49 is removed.

**Sec. 95.49 [Removed]**

96. Section 95.51 is amended by revising the second sentence of paragraph (a) and adding paragraphs (g) and (h) to read as follows:

**Sec. 95.51 Antenna height.**

(a) \*\*\* The licensee of a GMRS system must get FCC permission before the uppermost tip of an antenna may be higher than normally allowed in paragraphs (b), (c), and (d) of this section.

\*\*\*\*\*

(g) An applicant for a license for a new or modified GMRS system seeking permission to have a land station antenna higher than normally allowed must:

(1) Request (on FCC Form 605) an antenna height greater than normally allowed; and

(2) Notify the Federal Aviation Administration (on FAA Form 7460-1) that the antenna would be higher than normally allowed.

(3) Register the structure by submitting FCC Form 854. The requirements for antenna structure registration, painting, and lighting are found in part 17 of this chapter.

(h) Each base station and each control station with an antenna height greater than 6.1 meters (20 feet) must be separately identified on Form 605. (See Secs. 95.25 (d) and (e) and 95.51(f)).

97. Section 95.53 is removed.

**Sec. 95.53 [Removed]**

98. Section 95.55 is removed.

**Sec. 95.55 [Removed]**

99. Section 95.57 is removed.

**Sec. 95.57 [Removed]**

100. Section 95.59 is removed.

**Sec. 95.59 [Removed]**

101. Section 95.61 is removed.

**Sec. 95.61 [Removed]**

102. Section 95.71 is removed.

**Sec. 95.71 [Removed]**

103. Section 95.72 is removed.

**Sec. 95.72 [Removed]**

104. Section 95.73 is removed.

**Sec. 95.73 [Removed]**

105. Section 95.75 is removed.

**Sec. 95.75 [Removed]**

106. Section 95.77 is removed.

**Sec. 95.77 [Removed]**

107. Section 95.79 is removed.

**Sec. 95.79 [Removed]**

108. Section 95.83 is removed.

**Sec. 95.83 [Removed]**

109. Section 95.85 is amended by revising the introductory text and adding a concluding paragraph to read as follows:

**Sec. 95.85 Additional information for stations near United States borders.**

For a new or modified GMRS system having a land station at a point north of line A, east of line C, or at any point close to any United States border where interference to a station in another country could occur, an applicant may include additional data on FCC Form 605 if the land station:

\*\*\*\*\*

The United States and the Government of Canada coordinate channel assignments to certain radio stations in the areas along their common borders north of Line A and east of Line C. (See Sec. 1.923 of the FCC Rules).

110. Section 95.87 is removed.

**Sec. 95.87 [Removed]**

111. Section 95.89 is removed.

**Sec. 95.89 [Removed]**

112. Section 95.101 is amended by revising paragraph (a) and removing paragraphs (a)(1) through (a)(4) to read as follows:

**Sec. 95.101 What the license authorizes.**

(a) A GMRS license authorizes a GMRS station to transmit messages to other GMRS stations at any geographical location within or over the territorial limits of any area where radio services are regulated by the FCC. These points are listed in Appendix A.

(b) \*\*\*

(c) \*\*\*

113. Section 95.103 is amended by revising paragraph (a) and removing paragraphs (b), (c), and the concluding paragraph to read as follows:

**Sec. 95.103 Licensee duties.**

The licensee is responsible for the proper operation of the GMRS system at all times. The licensee is also responsible for the appointment of a station operator.

114. Section 95.105 is amended by revising this section to read as follows:

**Sec. 95.105 License term.**

A license for a GMRS system is usually issued for a 5-year term.

115. Section 95.107 is removed.

**Sec. 95.107 [Removed]**

116. Section 95.109 is amended by revising paragraphs (a) and (b) to read as follows:

**Sec. 95.109 License not transferable.**

(a) The licensee must not transfer, assign, sell or give the license for a GMRS system to any

other entity except in accordance with the provisions of Sec. 1.948.

(b) If the licensee sells or gives away the GMRS system equipment, the new owner must obtain a new license before using it (see Sec. 1.913), unless the new owner intends to use the equipment with an already licensed GMRS system.

117. Section 95.111 is removed.

**Sec. 95.111 [Removed]**

118. Section 95.113 is removed.

**Sec. 95.113 [Removed]**

119. Section 95.115 is amended by removing the second sentence to read as follows:

**Sec. 95.115 Station inspection.**

\*\*\* If an authorized FCC representative requests to inspect the GMRS system records, the licensee must make them available.

120. Section 95.117 is amended by revising paragraphs (a), (b), and (c) to read as follows:

**Sec. 95.117 Where to contact the FCC.**

(a) Write to the nearest FCC field office.

(b) Write to the FCC, Attention: GMRS, 1270 Fairfield Road, Gettysburg, PA 17325-7245.

(c) Contact the FCC National Call Center at 1-888-225-5322.

121. Section 95.119 is amended by revising paragraphs (a), (b), (d), (d)(1) and (d)(2) to read as follows:

**Sec. 95.119 Station identification.**

(a) Except as provided in paragraph (e), every GMRS station must transmit a station identification:

(1) \*\*\*

(2) \*\*\*



(b) The station identification is the call sign assigned to the GMRS station or system.

(c) \*\*\*

(d) The station identification must be transmitted in:

(1) Voice in the English language; or

(2) International Morse code.

(e) \*\*\*

122. Section 95.121 is removed.

**Sec. 95.121 [Removed]**

123. Section 95.123 is removed.

**Sec. 95.123 [Removed]**

124. Section 95.125 is removed.

**Sec. 95.125 [Removed]**

125. Section 95.127 is removed.

**Sec. 95.127 [Removed]**

126. Section 95.129 is amended by revising paragraphs (a) and (b)(2) and removing paragraphs (b)(3), (c), and (d) to read as follows:

**Sec. 95.129 Station equipment.**

(a) Every GMRS must use transmitters the FCC has type-accepted for use in the GMRS. All GMRS transmitting equipment must comply with the technical rules in part 95, subpart E of these rules.

(b) \*\*\*

(1) \*\*\*

(2) Has been internally modified to make it different from the FCC type-accepted model.

127. Section 95.131 is removed.

**Sec. 95.131 [Removed]**

128. Section 95.133 is removed.

**Sec. 95.133 [Removed]**

129. Section 95.135 is amended by removing and reserving paragraph (b) and revising paragraph (d) to read as follows:

**Sec. 95.135 Maximum authorized transmitting power.**

\*\*\*\*\*

(b) [Removed and reserved].

(c) \*\*\*

(d) A fixed station must transmit with no more than 15 watts output power.

\*\*\*\*\*

130. Section 95.137 is removed.

**Sec. 95.137 [Removed]**

131. Section 95.139 is amended by removing paragraph (b) and redesignating paragraph (c) as paragraph (b).

132. Section 95.171 is amended by revising this section to read as follows:

**Sec. 95.171 Station operator duties.**

When a GMRS station is transmitting, it must have a station operator. The station operator must be at the control point for that station. The same person may be the operator for more than one station at the same time. The station operator communicates messages and controls the station. The station operator must also cooperate in *sharing* each channel with station operators of other stations.

133. Section 95.173 is removed.

**Sec. 95.173 [Removed]**

134. Section 95.175 is removed.

**Sec. 95.175 [Removed]**

135. Section 95.177 is removed.

**Sec. 95.177 [Removed]**

136. Section 95.179 is amended by revising paragraph (a), removing paragraph (b) and redesignating paragraph (b)(1) as paragraph (b), and removing paragraphs (b)(2) and (f) to read as follows:

**Sec. 95.179 Individuals who may be station operators.**

(a) An individual GMRS system licensee may permit his/her immediate family members to be station operators in his/her GMRS system. Immediate family members are the:

\*\*\*\*\*

137. Section 95.181 is amended by revising paragraph (f) and removing paragraphs (i) and (j) to read as follows:

**Sec. 95.181 Permissible communications.**

\*\*\*\*\*

(f) A station operator may communicate tone messages for purposes of identification or transmitter control in a control link.

\*\*\*\*\*

(i) [Removed]

(j) [Removed]

138. Section 95.183 is added to this subpart A to read as follows:

**Sec. 95.183 Prohibited communications.**

(a) A station operator must not communicate:

(1) Messages for hire, whether the remuneration received is direct or indirect;

- (2) Messages in connection with any activity which is against Federal, State, or local law;
  - (3) False or deceptive messages;
  - (4) Coded messages or messages with hidden meanings;
  - (5) Intentional interference;
  - (6) Music, whistling, sound effects or material to amuse or entertain;
  - (7) Obscene, profane, or indecent words, language or meaning;
  - (8) Advertisements or offers for the sale of goods;
  - (9) Advertisements for a political candidate or political campaign (messages about the campaign business may be communicated);
  - (10) International distress signals, such as the word "Mayday" (except when on a ship, aircraft or other vehicle in immediate danger to ask for help);
  - (11) Programs (live or delayed) intended for radio or television station broadcast;
  - (12) Messages which are both conveyed by a wireline control link and transmitted by a GMRS station;
  - (13) Messages (except emergency messages) to any station in the Amateur Radio Service, to any unauthorized station, or to any foreign station;
  - (14) Continuous or uninterrupted transmissions, except for communications involving the immediate safety of life or property;
  - (15) Messages for public address systems;
- (b) A station operator in a GMRS system licensed to a telephone answering service must not transmit any communications to customers of the telephone answering service.

139. Appendix A to subpart A is amended by revising this section to read as follows:

#### APPENDIX A TO SUBPART A

In ITU Region 2, the GMRS is regulated by the Commission within the territorial limits of the 50 United States, District of Columbia, Caribbean Insular areas [Commonwealth of Puerto Rico, United States Virgin Islands (50 islets and cays) and Navassa Island], and Johnston Island (Islets East, Johnston, North and Sand) and Midway Island (Islets Eastern and Sand) in the Pacific Insular areas.

In ITU Region 3, the GMRS is regulated by the Commission within the Pacific Insular territorial limits of American Samoa (seven islands), Baker Island, Commonwealth of Northern Mariana

Islands, Guam Island, Howland Island, Jarvis Island, Kingman Reef, Palmyra Island (more than 50 islets), and Wake Island (Islets Peale, Wake and Wilkes).

140. Section 95.217 is amended by revising paragraph (b) to read as follows:

**Sec. 95.217 (R/C Rule 17) May I operate my R/C station transmitter by remote control?**

(a) \*\*\*

(b) You may operate an R/C transmitter by wireline remote control if you obtain specific approval in writing from the FCC. To obtain FCC approval, you must show why you need to operate your station by wireline remote control using FCC Form 601 or 605. This form may be filed electronically or manually. If you receive FCC approval, you must keep the approval as part of your station records. (See R/C Rule 24, Sec. 95.224).

\*\*\*\*\*

141. Section 95.219 is amended by revising paragraphs (b), (b)(1), (b)(2), and (c) to read as follows:

**Sec. 95.219 (R/C Rule 19) How do I answer correspondence from the FCC?**

(a) \*\*\*

(b) Using FCC Form 601 or 605 and, within the time period stated in the notice, you must answer, electronically or manually, with:

(1) A complete statement about the apparent discrepancy;

(2) A complete statement about any action you have taken to correct the apparent violation and to prevent it from happening again; and

(3) \*\*\*

(c) If the FCC sends you a letter asking you questions about your R/C radio station or its operation, you must answer each of the questions, using FCC Form 601 or 605, with a complete statement within the time period stated in the letter.

\*\*\*\*\*

142. Section 95.225 is amended by revising paragraph (b) to read as follows:

**Sec. 95.225 (R/C Rule 25) How do I contact the FCC?**

\*\*\*\*\*

(b) Write to the FCC, Wireless Telecommunications Bureau, Public Safety and Private Wireless Division, Washington, DC 20554, or contact the FCC via the Internet at [www.fcc.gov](http://www.fcc.gov), if you have questions about the R/C Rules.

143. Section 95.419 is amended by revising paragraph (b) of this section to read as follows:

**Sec. 95.419 (CB Rule 19) May I operate my CB station transmitter by remote control?**

(a) \*\*\*

(b) You may operate a CB transmitter by wireline remote control if you obtain specific approval in writing from the FCC. To obtain FCC approval, you must show why you need to operate your station by wireline remote control using FCC Form 601 or 605. This form may be filed electronically or manually. If you receive FCC approval, you must keep the approval as part of your station records. (See CB Rule 27, Sec. 95.427.)

\*\*\*\*\*

144. Section 95.422 is amended by revising paragraphs (b), (b)(1), (b)(2), and (c) of this section to read as follows:

**Sec. 95.422 (CB Rule 22) How do I answer correspondence from the FCC?**

(a) \*\*\*

(b) Using FCC Form 601 or 605, and within the time period stated in the notice, you must answer, electronically or manually, with:

(1) A complete statement about the apparent discrepancy;

(2) A complete statement about any action you have taken to correct the apparent violation and to prevent it from happening again; and

(3) \*\*\*

(c) If the FCC sends you a letter asking you questions about your CB radio station or its operation, you must answer, electronically or manually, each of the questions, using FCC Form 601 or 605, with a complete statement within the time period stated in the letter.

\*\*\*\*\*

145. Section 95.428 is amended by revising paragraph (b) and adding paragraph (c) to read as follows:

**Sec. 95.428 (CB Rule 28) How do I contact the FCC?**

\*\*\*\*\*

(b) Write to the FCC, Wireless Telecommunications Bureau, Public Safety and Private Wireless Division, Washington, DC 20554, or contact the FCC via the Internet at [www.fcc.gov](http://www.fcc.gov), if you have questions about the CB Rules.

(c) Contact the FCC National Call Center at 1-888-225-5322.

146. Section 95.605 is amended by revising this section to read as follows:

**Sec. 95.605 Type acceptance and certification procedures.**

Any entity may request type acceptance for its transmitter, using FCC Form 601 or 605, when the transmitter is used in the GMRS, R/C, CB, IVDS, or LPRS following the procedures in part 2 of this chapter.

Any entity may request certification for its transmitter, using FCC Form 601 or 605, when the transmitter is used in the FRS following the procedures in part 2 of this chapter.

147. Section 95.801 is amended by revising this section to read as follows:

**Sec. 95.801 Scope.**

This subpart sets out the regulations governing the licensing and operation of an Interactive Video and Data Service (IVDS) system. This subpart supplements Part 1, Subpart F, which establishes the requirements and conditions under which commercial and private radio stations may be licensed and used in the Wireless Telecommunications Services. The provisions of this subpart contain additional pertinent information for current and prospective licensees specific to the services governed by this Part 95.

148. Section 95.815 is amended by removing and reserving this section

**Sec. 95.815 [Removed and reserved]**

149. Section 95.816 is amended by amending paragraph (c)(2)(ii) of this section to read as follows:

**Sec. 95.816 Competitive bidding proceedings.**

\*\*\*\*\*

(c) \*\*\*

(2) \*\*\*

(i) \*\*\*

(ii) Applicants must submit a long-form application (FCC Form 601) within ten (10) business days after being notified that it is the winning bidder for a license. See 1.2107(c) and (d) of this chapter.

\*\*\*\*\*

150. Section 95.817 is amended by removing this section:

**Sec. 95.817 [Removed]**

151. Section 95.819 is amended by revising the first sentence of paragraph (c) of this section to read as follows:

**Sec. 95.819 License transferability.**

\*\*\*\*\*

(c) Once the five year construction benchmark has been met, licensees of IVDS systems that were not acquired through competitive bidding may transfer, sell, assign, or give the IVDS system licenses together with all of its component CTS licenses to any other entity in accordance with the provisions of Sec. 1.948. \*\*\*

152. Section 95.821 is amended by removing this section:

**Sec. 95.821 [Removed]**

153. Section 95.833 is amended by revising paragraph (b) and adding paragraph (c) to this section to read as follows:

**Sec. 95.833 Construction requirements.**

(a) \*\*\*

(b) Each IVDS system licensee must file a progress report, electronically or manually, using FCC Form 601, at the conclusion of each of the two benchmark periods to inform the Commission of the construction status of the system. If filed manually, the report must be addressed to: Federal Communications Commission, Wireless Telecommunications Bureau, Licensing and Technical Analysis Branch, 1270 Fairfield Road, Gettysburg, PA 17325-7245. The report must include:

\*\*\*\*\*

(c) The FCC will notify licensees by letter, sent electronically via the Universal Licensing



System or by mail, within 90 days, that the end of its construction period is approaching. The licensee must notify the FCC (Form 601), either electronically via the Universal Licensing System or by mail, no later than 15 days after the end of the construction period of the completion or satisfaction of its construction requirements. If the licensee fails to respond within the allotted time, then the authorization will automatically terminate.